IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 4552 of 2007(P)

PETITIONER:

M.R.SUDHAKARAN,AGED 56, S/O.RAMAN,
MUTTATHIL HOUSE,RAYAMANGALAM, PERUMBAVOOR,
(BLACKSMITH,RETIRED,KSRTC,ALUVA DEPOT)
P.F NO.31938.

BY ADV. SRI.P.JAYAKUMAR
SRI.V.N.MOHANADASAN

RESPONDENTS:

1.THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN,TRIVANDRUM.

2.ASSISTANT TRANSPORT OFFICER,
K.S.R.T.C ALUVA.

3.GENERAL MANAGER, ERNAKULAM DISTRICT
CO-OPERATIVE BANK LTD, H.O KAKKANAD.

4.SECRETARY, KERALA STATE TRANSPORT
WORKERS CO-OPERATIVE SOCIETY LTD, NO.T.133,
TRIVANDRUM.

R1-R2 BY ADV. SRI.JOHNSON P.JOHN
R3 BY ADV.SRI.P.V.SURENDRANATH
R4 BY SRI.N.UNNIKRISHNAN,S.C, KSTW CO.OP SOCIET

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.4552 of 2007

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Dated: 26th February, 2007

JUDGMENT

The petitioner who retired from the service of the K.S.R.T.C. on 31.10.2005 while working as Blacksmith is aggrieved in that his retiral benefits have not been disbursed. He submits that the marriage of his daughter was solemnized on 22.10.2006 by awailing loan from the third respondent-Bank since the K.S.R.T.C. was not inclined to accede to the petitioner's request that retiral benefits be released to him out of turn so that he can conduct the marriage of his daughter. His present monthly pension is around Rs.4,000/- only and he is now constrained to pay Rs.2400/- every month to the third respondent-Bank towards repayment of the loan. The petitioner has yet another grievance. He availed a loan of Rs.40,000/- from the 4th respondent-Society and the whole amount of Rs.57,000/- including interest as demanded by the Society was actually recovered from his salary during the period from 5/99 to 12/2003. But the K.S.R.T.C. did not pay the amount to the Society on time and resultantly amounts which has become accrued by way of interest is now to be paid. Making averments to the above effect, the petitioner prays for the following reliefs:

1. Issue a writ of mandamus commanding the 1st and 2nd respondents

to disburse the retiral benefits of D.C.R.G. and Commutation Value of Pensionn entitled to the petitioner within a time frame.

2. Issue a writ of mandamus directing the 1st and 4th respondents to settle the liability vide Ext.P7 between themselves and not to recover the said amount from the retirement benefits of the petitioner.

2. No counter affidavit has been filed by the K.S.R.T.C. or by the third respondent-Bank. But the 4th respondent-Society has filed a counter affidavit in which it is stated that an additional liability of Rs.11,347/- as on 12.2.2007 has been resulted on account of the delay on the part of the K.S.R.T.C. to pay the amounts which were actually deducted from the salary of the petitioner. Ext.R4(A) true copy of statement of recovery position regarding the petitioner is produced.

3. I have heard the submissions of Mr.P.Jayakumar, counsel for the petitioner, Mr.P.V.Surendranath, Standing Counsel for the third respondent-Bank, Mr.N.Unnikrishnan, counsel for the 4th respondent-Society and also those of Mr.Johnson P.John, Standing Counsel for the K.S.R.T.C. My attention was drawn by the counsel to the documents placed on record by the parties.

4. Having considered the rival submissions, I am of the view

that the claims and contentions of the petitioner and the 4th respondent-Society are only to be upheld. The K.S.R.T.C. ought to have released retiral benefits even out of turn to the petitioner so as to enable him to conduct marriage of his daughter in view of the principles laid down by the Division Bench of this court in its judgment in W.A.No.1775 of 2004. So also the K.S.R.T.C. should have promptly paid over the amounts deducted from the salary of the petitioner to the 4th respondent-Society.

5. The result is that the Writ Petition will stand allowed. There will be a direction to the K.S.R.T.C. to pay a sum of Rs.11,347/-, the amount mentioned in the counter affidavit filed by the 4th respondent-Society, to the Society within six weeks of receiving a copy of this judgment. Similarly, there will be a direction to the K.S.R.T.C. to pay the retiral benefits due to the petitioner on account of D.C.R.G. and also on account of Commuted Value of Pension to him within a maximum period two months of receiving a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**